IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.605 OF 2004

Shri Sitaram Gopala Arote
and Others .. Petitioners.
Vs.
Mahadeo Tukaram Gavade & Ors. .. Respondents.

Ms.Sharvari Shailendra i/b Mr.P.S.Dani for the petitioners.

CORAM : D.B.BHOSALE, J.

DATED : 27TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioners.

2. This petition is directed against the order passed by the appeal court in the proceedings arising from the application at Exhibit-5, seeking temporary injunction. The trial Court had allowed the application filed by the plaintiff vide its order dated 8th February, 2000, whereas the appeal court has allowed the civil miscellaneous appeal, setting aside the order passed by the trial Court, vide its judgment and order dated 24.3.2003. This court while issuing notice to the respondents in April, 2004 had not passed any interim order in favour of the petitioners. It is thus clear that no injunction is running against the respondent-defendant since March, 2003. Keeping that in view and considering the overall

facts and circumstances of the case I find no reason to keep this petition pending any more and I am satisfied that the following order shall meet the ends of justice:

. The trial Court shall endeavour to dispose of regular civil suit no.56/1998 as expeditiously as possible and preferrably within a period of nine months from the date of receipt of this order on merits in accordance with law and without being influenced by the observations made in the impugned orders.

. The writ petition is, accordingly, disposed of.

(D.B.Bhosale, J.)